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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

MFR- Discussion of E.O. 12356

FROM: Policy + Plans Group
4E-70 HQS

EXTENSION | NO.

DATE 14 JUL 1982

TO: (Officer designation, room number, and building)	DATE RECEIVED	DATE FORWARDED	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. AC/PPG	14 JUL 1982	14 Jul		
2. OS/REG				
3.				
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FORM 1-79 **610** USE PREVIOUS EDITIONS

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14 JUL 1982

MEMORANDUM FOR THE RECORD

FROM: [redacted] 25X1
Policy and Plans Group

SUBJECT: Discussion of Executive Order 12356
Before the Publications Review Board [redacted] 25X1

A briefing regarding Executive Order 12356, by the Office of General Counsel, and subsequent discussion outlined the parameters and primarily addressed five aspects of the Order:

1. Regarding limitations on classification, E. O. 12356 authorizes the reclassification of information which was declassified and released when the information continues to require protection in the interest of national security and when the information can be recovered with minimal public exposure. Classification could not be restored to documents which had been declassified under E. O. 12065.

2. As it pertains to duration of classification, E. O. 12356 causes the duration to be a function of the extent to which the information continues to have national security sensitivity; this is in contrast to E. O. 12065 which set specific time limits.

3. The term "identifiable damage" in E. O. 12065 has been reduced to "damage" in E. O. 12356. This action avoids the possible problem in litigation of having a precedent-setting interpretation of "identifiable damage."

4. E. O. 12065 and E. O. 12356 both recognize a "presumption of harm" to the national security as a result of the unauthorized disclosure of foreign government information or the identity of a confidential foreign source. E. O. 12356 further states that the unauthorized disclosure of "intelligence sources and methods" is presumed to cause harm/damage to the national security. 25X1

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5. The last aspect discussed, "the balancing test," was noted in its omission in E. O. 12356 versus E. O. 12065. This action is felt to enhance the courts practice of accepting the classification of information, in contrast with challenging its classification. [redacted] 25X1

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